

Exhibit B

From: [Post, Kevin](#)
To: [Austin Curry](#); [Melissa Baily](#); [Brad Caldwell](#); [Tom Gorham](#); [smartflash@caldwellcc.com](#)
Cc: [Apple/SmartFlash Service](#); [ema@emafirm.com](#); [apple@emafirm.com](#); [F&R Counsel - KingsIsle](#); [F&R Counsel - Game Circus](#); [bkohm@fenwick.com](#); [tcorbin@fenwick.com](#); [SmartFlash QE Team](#); [mikejones@potterminton.com](#); [allengardner@potterminton.com](#); [HTC-Smartflash-Service@perkinscoie.com](#)
Subject: RE: Smartflash: Request for Extension and Claim Limitation Proposal
Date: Wednesday, November 13, 2013 1:55:40 PM

Austin,

Thank you for the update. On behalf of Apple, we understand your reservation about post-transfer limits and Apple likewise reserves its right to request these or similar limits in the case following any transfer.

As for the submission itself, the defendants are of the view that we should not file anything with the Court now regarding our claim limit agreement. As we have discussed, at least Apple is of the view that the parties should have a second round of limits that apply at the expert discovery phase of the case and we intend on raising that issue with the Court at the Case Management Conference next week. Accordingly, we believe the most prudent approach would be to file the Order (with your proposed addition) on Nov. 19 in a form that lays out the agreed-to language, while also presenting Apple's proposal alongside any response by the other parties. This way, the parties' dispute about whether a second round of limits should apply (or whether some alternative proposal should be put in place) will be before the court in one document, rather than having an agreed-to paper now, followed by a submission presenting a related dispute less than a week later.

I understand that the other Defendants are in favor of this approach, but I invite them to chime in if that is not the case. We are available to discuss.

Thanks,
Kevin

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From: Austin Curry [<mailto:acurry@caldwellcc.com>]
Sent: Wednesday, November 13, 2013 12:29 PM
To: Post, Kevin; Melissa Baily; Brad Caldwell; Tom Gorham; [smartflash@caldwellcc.com](#)
Cc: Apple/SmartFlash Service; [ema@emafirm.com](#); [apple@emafirm.com](#); F&R Counsel - KingsIsle; F&R Counsel - Game Circus; [bkohm@fenwick.com](#); [tcorbin@fenwick.com](#); SmartFlash QE Team; [mikejones@potterminton.com](#); [allengardner@potterminton.com](#); [HTC-Smartflash-Service@perkinscoie.com](#)
Subject: RE: Smartflash: Request for Extension and Claim Limitation Proposal

Kevin,

I've made one slight change to this document which clarifies that a party seeking to modify its selection of claims and prior art must show good cause to do so (just like attempts to modify the numerical limits). Please let me know if y'all are ok with this.

If this change is ok with everyone, then we can get this on file. Please note that Smartflash is willing to enter into this agreement only for the purposes of litigating in the Eastern District of Texas. If any piece of this litigation is transferred to a venue other than the Eastern District of Texas, Smartflash does not agree to be bound by these limits in the other district(s).

Regards,
Austin Curry

From: Post, Kevin [<mailto:Kevin.Post@ropesgray.com>]
Sent: Tuesday, November 12, 2013 12:59 PM
To: Melissa Baily; Brad Caldwell; Tom Gorham; Austin Curry; [smartflash@caldwellcc.com](#)
Cc: Apple/SmartFlash Service; [ema@emafirm.com](#); [apple@emafirm.com](#); F&R Counsel - KingsIsle; F&R Counsel - Game Circus; [bkohm@fenwick.com](#); [tcorbin@fenwick.com](#); SmartFlash QE Team; [mikejones@potterminton.com](#); [allengardner@potterminton.com](#); [HTC-Smartflash-Service@perkinscoie.com](#)

Subject: RE: Smartflash: Request for Extension and Claim Limitation Proposal

All,

Attached please find an updated order regarding claim and prior art limitations. As discussed, this version includes the phase 1 limits, which will apply at the contention phase of the case. The limits apply collectively across both cases. Please let me know if this does not reflect your understanding of the agreement reached. As agreed, defendants expect to receive Smartflash's list of asserted claims within 24 hours.

As Apple mentioned during last week's call, we continue to believe that we should raise the issue of a second round of limitations that would apply during the expert phase of the case. We understand Smartflash's position that the parties should wait until later in the case before raising the issue of additional limits, but we believe that we should at least present this dispute to the Court now, based on the language in paragraph 5 of the attached order and the court's Scheduling Order. We will circulate our language in advance of our Nov. 19 submission so that everyone can consider it and respond as necessary in their own submission, if they so choose.

Kevin

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From: Melissa Baily [<mailto:melissabaily@quinnemanuel.com>]
Sent: Tuesday, November 12, 2013 1:10 PM
To: Brad Caldwell; Post, Kevin; Tom Gorham; Austin Curry; smartflash@caldwellcc.com
Cc: Apple/SmartFlash Service; ema@emafirm.com; apple@emafirm.com; F&R Counsel - KingsIsle; F&R Counsel - Game Circus; bkohm@fenwick.com; tcorbin@fenwick.com; SmartFlash QE Team; mikejones@potterminton.com; allengardner@potterminton.com; HTC-Smartflash-Service@perkinscoie.com
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Brad,

Samsung and HTC can agree to the Phase One limits in the model order and the timing for disclosure as discussed. I believe the defendant group will be circulating proposed language reflecting the parties' agreement within an hour.

Melissa

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From: Brad Caldwell [<mailto:bcaldwell@caldwellcc.com>]
Sent: Tuesday, November 12, 2013 9:47 AM
To: Brad Caldwell; Post, Kevin; Tom Gorham; Austin Curry; smartflash@caldwellcc.com
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Defendants:

I hope everyone had a good weekend. When will we hear back from you on the Defendants' position(s) on the limits we discussed Thursday and Friday? We understood that we might not hear back from Samsung on Friday night, but we were told we would receive your official position on Monday. Unless our whole team missed something, that didn't happen. I'm not trying to be a pain and I totally understand you have to vet things with your client and that might take time. Nevertheless, continuing to draw out the